

TEXAS

El Paso County. Beginning at a point on the Rio Grande River due east from the intersection of County Route 659 and County Route 375; then due east along an imaginary line to County Route 659; then north along County Route 659 to Interstate 10; then southeast along Interstate 10 to the El Paso County line; then southwest along the El Paso County line to the Rio Grande River; then north along the Rio Grande River to the point of beginning.

(1) *Restricted areas.* None.

(2) *Surveillance areas.* The entire regulated area.

Hudspeth County. Beginning at the intersection of the El Paso/Hudspeth County line and Interstate 10; then southeast along Interstate 10 to County Route 34; then south along County Route 34 to County Route 192; then due south along an imaginary line to the Rio Grande River; then northwest along the Rio Grande River to the El Paso/Hudspeth County line; then north along the El Paso/Hudspeth County line to the point of beginning.

(1) *Restricted areas.* None.

(2) *Surveillance areas.* The entire regulated area.

§ 301.89-4 Planting.

(a) Wheat, durum wheat, and triticale may be planted in all fields within and outside a regulated area, except as follows:

(1) For the 1996-1997 crop season,¹ wheat, durum wheat, and triticale may not be planted in fields in which preharvest samples conducted by Federal or State official tested positive for Karnal bunt;

(2) For the 1996-1997 crop season,¹ wheat, durum wheat, and triticale may not be planted in fields known to have been planted in 1995 with seed contaminated with Karnal bunt.

(b) Prior to planting, wheat seed, durum wheat seed, and triticale seed to be planted within a regulated area must:

(1) First be sampled and test negative for Karnal bunt; then

(2) If originating within a regulated area, be treated with a fungicide in accordance with § 301.89-13.

¹The 1996-1997 crop season is that season in which wheat is harvested in 1997.

§ 301.89-5 Movement of regulated articles from regulated areas.

(a) Any regulated article may be moved from a regulated area into or through an area that is not regulated only if moved under the following conditions:

(1) With a certificate or limited permit issued and attached in accordance with §§ 301.89-6 and 301.89-10;

(2) Without a certificate or limited permit, provided that each of the following conditions is met:

(i) The regulated article was moved into the regulated area from an area that is not regulated;

(ii) The point of origin is indicated on a waybill accompanying the regulated article;

(iii) The regulated article is moved through the regulated area without stopping, or has been stored, packed, or handled at locations approved by an inspector as not posing a risk of contamination with Karnal bunt, or has been treated in accordance with the methods and procedures prescribed in § 301.89-13 while in or moving through any regulated area; and

(iv) The article has not been combined or commingled with other articles so as to lose its individual identity;

(3) Without a certificate or limited permit, provided the regulated article is a soil sample being moved to a laboratory approved by the Administrator² to process, test, or analyze soil samples.

(b) When an inspector has probable cause to believe a person or means of conveyance is moving a regulated article, the inspector is authorized to stop the person or means of conveyance to determine whether a regulated article is present and to inspect the regulated article. Articles found to be infected by an inspector, and articles not in compliance with the regulations in this subpart, may be seized, quarantined, treated, subjected to other remedial

²Criteria that laboratories must meet to become approved to process, test, or analyze soil, and the list of currently approved laboratories, may be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236.